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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/937,483	11/27/2001	Konstantinos Evangelos Spartiotis	2338/48101	9637

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EXAMINER

MORAN, TIMOTHY J

ART UNIT PAPER NUMBER

2878

DATE MAILED: 12/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/937,483	Applicant(s) SPARTIOTIS ET AL.	
	Examiner Timothy J. Moran	Art Unit 2878	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-51 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 13, 27-32, 34, 35, 41-45, 50 and 51 is/are rejected.
- 7) ☒ Claim(s) 4-12, 14-26, 33, 36-40 and 46-49 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>encl</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

International Reports

The International Search Report completed August 24, 2000, and the International Preliminary Examination Report completed July 26, 2001 have been considered by the examiner.

Information Disclosure Statement

The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Specification

The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

The disclosure is objected to because of the following informalities: Headings such as "BACKGROUND OF THE INVENTION," "SUMMARY OF THE INVENTION," "BRIEF DESCRIPTION OF THE DRAWINGS," and "DETAILED DESCRIPTION OF THE INVENTION" should be inserted.

In page 24, line 27, the term "Figures 15 to 8" is unclear. The term --Figures 15 to 24-- may better indicate the applicant's intent.

Appropriate correction is required.

Claim Objections

Claim 22 is objected to because of the following informalities: A period needs to be inserted at the end of the claim. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 28 and 51 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for the monitoring of bias signal current, does not reasonably provide enablement for the monitoring of bias signal voltage. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention commensurate in scope with these claims. Although the specification mentions the possibility of monitoring bias voltage (page 15, lines 17-19), the monitoring of voltage and the monitoring of current are considered sufficiently distinct that it would require undue experimentation to apply the methods of the present specification to the monitoring of bias voltage.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 42-45 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 42 and 43 are mutually dependent, which is improper. Note that claims 42-45 have not been further treated on merits.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 13, 27, 29-32, 34-35, 41, and 50 are rejected under 35 U.S.C. 102(e) as being anticipated by Lingren, U. S. Patent No. 5,786,597. Regarding claim 1, Lingren describes an imaging assembly comprising a semiconductor substrate supporting a first conductive layer ("upper plate" mentioned in col. 8, line 17) and a second conductive layer (230, col. 8, line 27-28) for applying a bias (col. 8, lines 15-19), and bias signal monitoring means (col. 2, lines 56-65).

Regarding claim 2, Lingren describes a substantially continuous first conductive layer and a second conductive layer comprising a plurality of electrodes (col. 8, lines 31-35).

Regarding claim 3, Lingren describes monitoring means (718) adapted to provide a trigger signal (col. 16, lines 42-57).

Regarding claim 13, the use of the bias signal to determine aggregate radiation is implied in the use of the device.

Regarding claim 27, Lingren teaches the monitoring of bias signal current (col. 2, lines 56-65).

Regarding claims 29 and 30, Lingren teaches the monitoring of a plurality of elements.

Regarding claim 31, Lingren teaches that the monitoring means is integral with the imaging device (both are described as a system in col. 5, lines 35-36).

Regarding claim 32, Lingren teaches the use of control electronics, trigger signals, an image processor, and a display unit (fig. 1 and fig. 2).

Regarding claims 34-35, the method is inherent in the use of the device of claim 3.

Regarding claim 41, the method is inherent in the use of the device of claim 31.

Regarding claim 50, the method is inherent in the use of the device of claim 27.

Allowable Subject Matter

Claims 4-12, 14-26, 33, 36-40, and 46-49 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: Claims 4 and 36 include limitations that monitoring means determine a rate of change for the bias signal. Claim 6 includes limitations that a trigger signal indicates the start or end of a radiation exposure. Claim 9 includes limitations that a trigger signal

indicates the end of a radiation exposure. Claim 11 includes limitations describing the processing of a bias signal which are considered nonobvious modifications of prior art devices. Claim 14 includes limitations that an accumulated bias signal fulfills a criterion to initiate a trigger signal. Claim 21 includes limitations that a monitoring means integrates a signal representative of the bias signal. Claim 33 includes limitations that a trigger signal initiates an image frame selection from stored signals. Claims 46 and 47 include limitations describing the processing of a bias signal which are considered nonobvious modifications of prior art devices.

Conclusion

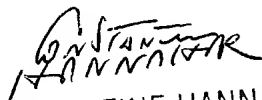
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy J. Moran whose telephone number is 703-305-0849. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Porta can be reached on 703-308-4852. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9318.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

T. M.

TM
November 30, 2003


CONSTANTINE HANNAHER
PRIMARY EXAMINER
GROUP ART UNIT 2878